

Article 13: To see if the Town will vote to amend the Zoning Bylaw by deleting Section 4.13 thereof in its entirety and replacing it with the following:

4.13 Special Requirements for Registered Medical Marijuana Dispensaries

4.13.1 Purpose

This section is intended to promote the purposes of the Zoning Bylaw, as set forth in section 1.3, by:

- a) Providing for the establishment of Registered Medical Marijuana Dispensaries in appropriate places and under strict conditions, in accordance with the passage of Initiative Petition 11-11 (Question #3 on the November, 2012 state ballot);
- b) Minimizing the impacts of Registered Medical Marijuana Dispensaries on adjacent properties, residential neighborhoods, schools and other places where children congregate, local historic districts, and other land uses potentially incompatible with said Dispensaries; and
- c) Regulating the siting, design, placement, security, safety, monitoring, modification, and removal of Registered Medical Marijuana Dispensaries.

4.13.2 Applicability

4.13.2.1 The commercial cultivation, production, processing, assembly, packaging, retail or wholesale sale, trade, distribution or dispensing of Marijuana is prohibited unless permitted as a Registered Medical Marijuana Dispensary under this Section.

4.13.2.2 No Registered Medical Marijuana Dispensary shall be established except in compliance with the provisions of this Section.

~~**4.13.2.3** Nothing in this Bylaw shall be construed to supersede state laws governing the sale and distribution of narcotic drugs.~~

4.13.2.4—3 If any provision of this Section or its application to any person or circumstance shall be held invalid for any reason, such invalidity shall be construed as narrowly as possible, and the balance of the Section shall be deemed to be amended to the minimum extent necessary to allow it to be given effect or to be applied to persons or circumstances other than those to which it was held invalid, so as substantially to provide residents and property owners of the Town of Reading the benefits of such provision and to promote the purposes of the Zoning Bylaw as set forth in Section 1.3.

4.13.3 Definitions

Debilitating Medical Condition – Cancer, glaucoma, positive status for human immunodeficiency virus (HIV), acquired immune deficiency syndrome (AIDS), hepatitis C, amyotrophic lateral sclerosis (ALS), Crohn's disease, Parkinson's disease, and multiple sclerosis (MS), when such diseases are debilitating, and other debilitating

conditions as determined in writing by a qualifying patient's certifying physician.

Marijuana – All parts of the plant *Cannabis sativa* L., whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin.

Marijuana for Medical Use – Marijuana that is designated and restricted for use by, and for the benefit of, Qualifying Patients in the treatment of Debilitating Medical Conditions.

Qualifying Patient – A Massachusetts resident 18 years of age or older who has been diagnosed by a Massachusetts licensed certifying physician as having a debilitating medical condition, or a Massachusetts resident under 18 years of age who has been diagnosed by two Massachusetts licensed certifying physicians, at least one of whom is a board-certified pediatrician or board-certified pediatric subspecialist, as having a debilitating medical condition that is also a life-limiting illness, subject to 105 CMR 725.010(J).

Registered Medical Marijuana Dispensary – A not-for-profit entity registered under 105 CMR 725.100 that acquires, cultivates, possesses, processes (including development of related products such as edible marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers. Unless otherwise specified, the term refers to the sites of dispensing, cultivation and preparation of marijuana.

4.13.4 Eligible Locations for Registered Medical Marijuana Dispensaries.

4.13.4.1 Registered Medical Marijuana Dispensaries may be allowed by Special Permit from the Reading Community Planning and Development Commission in the Industrial Zoning District (Ind) in accordance with the requirements of this Section.

4.13.5 General Requirements and Conditions for all Registered Medical Marijuana Dispensaries.

4.13.5.1 A Registered Medical Marijuana Dispensary shall be in compliance with all applicable provisions of the regulations of the Massachusetts Department of Public Health for the Implementation of an Act for the Humanitarian Medical Use of Marijuana, set forth in 105 CMR 725.000.

4.13.5.2 All Registered Medical Marijuana Dispensaries shall be contained entirely within a Building; provided, however, that the cultivation of marijuana for medical use may be permitted in a locked, limited access area within the meaning of 105 CMR 725.004.

4.13.5.3 A Registered Medical Marijuana Dispensary shall have a Gross Floor Area of at least 2,500 square feet, but not more than 10,000 square feet.

4.13.5.4 The hours of operation of Registered Medical Marijuana Dispensaries shall be set by the CPDC, but in no event shall such Dispensaries be open and/or operating between the hours of 9:00 PM and 8:00 AM.

4.13.5.5 No smoking, burning or consumption of any product containing marijuana or marijuana-related products shall be permitted on the premises of a Registered Medical Marijuana Dispensary.

4.13.5.6 No Registered Medical Marijuana Dispensary shall be located inside a Building containing Residential Dwelling Units, including transient housing such as motels and dormitories, or inside a movable or mobile Structure such as a van or truck.

4.13.6 Special Permit Requirements

4.13.6.1 A Registered Medical Marijuana Dispensary shall be allowed by Special Permit from the CPDC in accordance with G.L. c.40A, §9, and the requirements set forth in this Section.

4.13.6.2 A Special Permit for a Registered Medical Marijuana Dispensary shall be limited to one or more of the following uses as may be authorized by the CPDC:

- a) Cultivation of Marijuana for Medical Use (horticulture) except where Chapter 40A Section 3 applies, in which case a Special Permit shall not be required;
- b) Processing and packaging of Marijuana for Medical Use, including marijuana that is in the form of smoking materials, food products, oils, aerosols, ointments, and other products; and
- c) Retail sale or distribution of Marijuana for Medical Use to Qualifying Patients.

4.13.6.3 Special Permit applications for a Registered Medical Marijuana Dispensary shall demonstrate compliance with and include the information required by the regulations set forth at 105 CMR 725.000.

4.13.6.4 Mandatory Findings. The CPDC may issue a Special Permit for a Registered Medical Marijuana Dispensary only if it finds that:

- a) The Dispensary is designed to minimize any adverse visual or economic impacts on abutters and other parties in interest, as defined in G.L. c.40A, §11;
- b) The Dispensary is fully permitted by all applicable agencies of the Commonwealth of Massachusetts and is in compliance with the regulations set forth at 105 CMR 725.000; and
- c) The Applicant has demonstrated compliance with Sections 4.13.5 and 4.13.6.

4.13.6.5 Annual Reporting. Each holder of a Special Permit for a Registered Medical Marijuana Dispensary permitted under the Zoning Bylaw shall, as a condition of its Special Permit, file an annual report to and appear before the CPDC and the Town Clerk no later than January 31 of each year, providing a copy of all current applicable state licenses for the Dispensary and/or its owners and demonstrate continued compliance with the conditions of the Special Permit.

4.13.6.6 A Special Permit granted under this Section shall have a term limited to the duration of the Applicant's ownership of the premises as a Registered Medical Marijuana Dispensary. A special permit may be transferred only with the approval of the CPDC in the form of an amendment to the Special Permit with all information required in this Section.

4.13.7 Abandonment or Discontinuance of Use

4.13.7.1 Notwithstanding the provisions of the Zoning Bylaw generally applicable to Special Permits, a Special Permit for a Registered Medical Marijuana Dispensary shall lapse if not exercised within one year of its issuance.

4.13.7.2 The owner of a Registered Medical Marijuana Dispensary shall be required to remove all material, plants equipment and other paraphernalia:

- a)** prior to surrendering its state issued licenses or permits; or
- b)** within six months of ceasing operations; whichever comes first.

Or take any other action with respect thereto.

Community Planning & Development Commission